

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

ROBERTO MONTGOMERY, *et. al.*,

Defendants.

S4 05 Cr. 1067 (KMK)

AFFIRMATION IN SUPPORT

DENIS P. KELLEHER, ESQ., a member of the law firm of Kelleher & Dunne LLP and an attorney duly admitted to practice in this Court, hereby affirms under penalty of perjury pursuant to 28 U.S.C § 1746 to the truth of the following:

1. I am the attorney for the Naresh Pitambar (“Pitambar” or “defendant”), in the above captioned matter and am fully familiar with the facts and circumstances of this case. I was Pitambar’s trial counsel in this matter.

2. I make this affirmation in support of a Pitambar's motion for a judgment of acquittal pursuant to Rule 29(c) of the Federal Rules of Criminal Procedure ("FRCrP"). The Court reserved on Pitambar's Rule 29(a) motion pursuant to Rule 29(b).

3. All statements herein are made upon information and belief, the source of which comes from the trial transcript in this matter.¹

4. The factual and legal arguments advanced in support of the relief sought in the accompanying Notice of Motion are included in the Memorandum of Law and this affirmation.

¹ All references to the trial transcript will be abbreviated as “TT”, all references to government exhibits will be abbreviated as “GX”.

WHEREFORE, based on the facts set forth herein, it is respectfully requested that this Court grant the relief requested and/or any other relief the Court deems that justice requires.

Dated: New York, NY
June 11, 2007

Respectfully submitted,

/s/

Denis Patrick Kelleher (DK-1414)
Kelleher & Dunne LLP
Attorneys for Defendant Naresh Pitambar
17 Battery Place, 11th Floor
New York, NY 10004
(212) 825-1700